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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,362	04/05/2001	Alpaslan Gence Savas	259/056	1709
7590	01/14/2005		EXAMINER	
David E. Bennett Coats & Bennett, P.L.L.C. 1400 Crescent Green Suite 300 Cary, NC 27511			DEAN, RAYMOND S	
			ART UNIT	PAPER NUMBER
			2684	
DATE MAILED: 01/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/828,362	SAVAS, ALPASLAN GENCE
	Examiner Raymond S Dean	Art Unit 2684

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires ____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ____.

3. Applicant's reply has overcome the following rejection(s): ____.
4. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: 5, 7, 14, 19, 20, 25, 26, 30, 31, 36 and 37.

Claim(s) rejected: 1 - 4, 6, 8, 9, 11 - 13, 15, 16 - 18, 21 - 24, 27 - 29, and 32 - 35.

Claim(s) withdrawn from consideration: None.

8. The drawing correction filed on ____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). ____.
10. Other: ____


NAY MAUNG
SUPERVISORY PATENT EXAMINER



Raymond S. Dean
January 5, 2005

Continuation of 5. does NOT place the application in condition for allowance because: In order to ensure that the payload of Chang is comprised of error-less LTUs the number of LTUs that are in error will be determined for the purpose of discarding said LTUs. LTUs comprise MuxPDUs, which are units of data that are transmitted in a frame. The said frame is transmitted via a radio link thus if the transmit power is too low there can be an error in said data unit and therefore an error in said LTU. The LTU error therefore can be an indicator of the performance of said radio link. Chen and Chang both teach a wireless CDMA system that uses frame payloads to transmit and receive data. Chen further teaches some other performance criteria or quality indicator other than FER that can be used to adjust the set point. It is also very well known by those of ordinary skill in the art that said frame payload comprise MuxPDUs and that said MuxPDUs are grouped into LTUs thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the measure of LTU errors taught in Chang in the CDMA system of Chen as another performance criteria and such that only the LTUs with an error will be discarded thus allowing all of the error free LTUs to be transferred to the upper layers as correctly received data thus enabling much more efficient data transmission as taught by Chang.